



9.25.08

Attorney's Docket No.: 119378-00262 / 1081

DSC ✓

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Lin Zhi *et al.*
Serial No. : 10/080,926
Filed : February 22, 2002
Issued as: **U.S. Pat. No. 7,026,484**
Issue Date: April 11, 2006
Title : **TRICYCLIC ANDROGEN RECEPTOR MODULATOR COMPOUNDS AND METHODS**

Art Unit : 1625
Examiner : Evelyn Huang
Customer No.: 77202

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION AS PROVIDED BY 37 C.F.R. §1.324 TO CORRECT INVENTORSHIP PURSUANT TO 35 U.S.C. 256

Dear Sir:

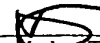
This is a Petition as provided by 37 C.F.R. §1.324 to correct inventorship in U.S. Patent No. 7,026,484 pursuant to 35 U.S.C. 256. The requisite fee for filing the petition and any other fees that may be due in connection with this paper should be charged to Deposit Account No. 02-1818.

Correction of inventorship under 37 C.F.R. 1.324, when seeking to delete an "inventor," requires the following:

- (1) A statement from the currently named inventors (including any "inventor" being deleted) either agreeing to the change in inventorship or stating that they have no disagreement in regard to the requested change;
- (2) A statement from all assignees agreeing to the change of inventorship in the patent (such statement must comply with the requirements of 37 C.F.R. 3.73(b)); and
- (3) The fee set forth in 37 C.F.R. 1.20(b).

CERTIFICATE OF MAILING BY "EXPRESS MAIL"
"Express Mail" Mailing Label Number EM 247738899 US
Date of Deposit: **September 23, 2008**

I hereby certify that this paper is being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to: Mail Stop Petition, Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.


09/26/2008 EFLORES 00000020 021818 10000926
01 FC:1464 130.00 DA

Applicant : ZHI *et al.*
Serial No. : 10/080,926
Filed : February 22, 2002
Issued as: **U.S. Pat. No. 7,026,484**
Issue Date: April 11, 2006

Attorney's Docket No.: 119378-00262 / 1081
Petition Under 37 C.F.R. 1.324 to Correct Inventorship

REMARKS

Applicant requests correction of inventorship of the above-captioned patent by deleting Dr. Robert Higuchi and Dr. Jyun-Hung Chen as joint inventors. Dr. Robert Higuchi and Dr. Jyun-Hung Chen are not joint inventors of the subject matter of the issued claims of this patent, as discussed in the attached STATEMENTS and DECLARATION. Dr. Robert Higuchi and Dr. Jyun-Hung Chen were, through error, without any deceptive intent, included as joint inventors in U.S. Patent No. 7,026,484.

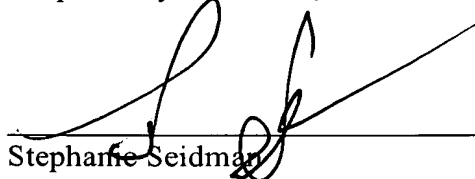
Enclosed are the following documents in support of this Petition:

- (a) a Statement of Facts from each of Jyun-Hung CHEN and Robert I. Higuchi;
- (b) a Statement from Lin ZHI, Cornelis Arjan VAN OEVEREN, Jyun-Hung CHEN and Robert I. Higuchi, the currently named inventors, agreeing to the change of inventorship;
- (c) a statement by the Assignee, Ligand Pharmaceuticals, pursuant to 37 C.F.R. § 3.73(b), establishing a right to take action and agreeing to the change in inventorship pursuant to 35 U.S.C. 256 as requested herein;
- (d) a DECLARATION in support of the Petition pursuant to 35 U.S.C. 256; and
- (e) authorization to charge the requisite fee set forth in 37 C.F.R. 1.20(b) for the Petition Pursuant to 35 U.S.C. 256 to Deposit Account No. 02-1818.

* * *

In view of the above remarks, acceptance of this Petition is respectfully requested.

Respectfully submitted,



Stephanie Seidman
Reg. No. 33,779

Attorney Docket No. 119378-00262 / 1081

Address all correspondence to:

77202

Stephanie Seidman

Bell, Boyd & Lloyd LLP

3580 Carmel Mountain Road, Suite 200

San Diego, California 92130

Telephone: (858) 509-7410

Facsimile: (858) 509-7460

email: sseidman@bellboyd.com



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Lin Zhi *et al.*
Serial No. : 10/080,926
Filed : February 22, 2002
Issued as: **U.S. Pat. No. 7,026,484**
Issue Date: April 11, 2006
Title : **TRICYCLIC ANDROGEN RECEPTOR MODULATOR COMPOUNDS
AND METHODS**

Art Unit : 1625
Examiner : Evelyn Huang
Customer No.: 77202

Mail Stop PETITION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Dear Sir:

Transmitted herewith are a Petition as provided by 37 C.F.R. §1.324 to correct inventorship in the above-captioned U.S. patent pursuant to 35 U.S.C. 256 (2 pages); a Statement of Facts from each of Jyun-Hung Chen and Robert I. Higuchi (2 pages); a Statement from each of the currently named inventors agreeing to the change in inventorship (4 pages); Consent of the assignee (1 page); a Statement pursuant to 37 C.F.R. 3.73(b) (6 pages); a Declaration in support of the Petition (2 pages); and a return postcard. The fee set forth in 37 C.F.R. 1.20(b) should be charged to Deposit Account No. 02-1818.

☒ The Commissioner is hereby authorized to charge the fee for filing the petition and any other fee that may be due in connection with this and the attached papers to Deposit Account No. 02-1818. A duplicate of this sheet is enclosed.

Respectfully submitted,

Stephanie Seidman
Reg. No. 33,779

Attorney Docket No. 119378-00262 / 1081

**Address all correspondence to:
77202**

Stephanie Seidman
Bell, Boyd & Lloyd LLP
3580 Carmel Mountain Road, Suite 200
San Diego, California 92130
Telephone: (858) 509-7410
Facsimile: (858) 509-7460
email: sseidman@bellboyd.com

CERTIFICATE OF MAILING BY "EXPRESS MAIL"
"Express Mail" Mailing Label Number EM 247738899 US
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Kethya Teuk



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Lin Zhi *et al.*
Serial No. : 10/080,926
Filed : February 22, 2002
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P.O. Box 1450
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☒ The Commissioner is hereby authorized to charge the fee for filing the petition and any other fee that may be due in connection with this and the attached papers to Deposit Account No. 02-1818. A duplicate of this sheet is enclosed.

Respectfully submitted,

Stephanie Seidman
Reg. No. 33,779

Attorney Docket No. 119378-00262 / 1081

**Address all correspondence to:
77202**

Stephanie Seidman
Bell, Boyd & Lloyd LLP
3580 Carmel Mountain Road, Suite 200
San Diego, California 92130
Telephone: (858) 509-7410
Facsimile: (858) 509-7460
email: sseidman@bellboyd.com

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Kethya Teuk



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Art Unit : 1625

Examiner : Evelyn Huang

Customer No.: 77202

Mail Stop PETITION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

ATTACHMENTS TO PETITION

- 1) A Statement of Facts from each of Jyun-Hung CHEN and Robert I. HIGUCHI.
- 2) A Statement by Lin ZHI, Cornelis Arjan VAN OEVEREN, Jyun-Hung CHEN and Robert I. HIGUCHI agreeing to the change of inventorship.
- 3) Consent of Assignee to Correct Inventorship under 37 C.F.R. § 1.324 executed by Ligand Pharmaceuticals.
- 4) A Certificate under 37 C.F.R. § 3.73(b) executed by Ligand Pharmaceuticals.
- 5) A DECLARATION in support of the Petition pursuant to 37 C.F.R. § 1.324.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Lin Zhi *et al.*

Serial No. : 10/080,926

Confirmation No.: 7786

Filed : February 22, 2002

Issued as: U.S. Pat. No. 7,026,484

Title : **TRICYCLIC ANDROGEN RECEPTOR MODULATOR COMPOUNDS
AND METHODS**

Art Unit : 1625

Examiner : Evelyn Huang

Customer No.: 77202

STATEMENT OF FACTS

JYUN-HUNG CHEN

Mail Stop PETITION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

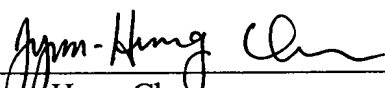
I am a named inventor on U.S. Patent No. 7,026,484.

I have reviewed the disclosed subject matter and the issued claims of U.S. Patent No. 7,026,484. I worked on developing the tricyclic angular quinoline series of formulae I-IV (the angular compounds where n is 1).

I did not work on nor contribute to the development of the angular indole or indoline compounds (the angular compounds where n is 0) in the issued claims of U.S. Patent No. 7,026,484.

Sincerely,

Date: September 19, 2008


Jyun-Hung Chen



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Lin Zhi *et al.*

Art Unit : 1625

Serial No. : 10/080,926

Examiner : Evelyn Huang

Confirmation No.: 7786

Customer No.: 77202

Filed : February 22, 2002

Issued as: U.S. Pat. No. 7,026,484

Title : **TRICYCLIC ANDROGEN RECEPTOR MODULATOR COMPOUNDS
AND METHODS**

STATEMENT OF FACTS

ROBERT I. HIGUCHI

Mail Stop PETITION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

I am a named inventor on U.S. Patent No. 7,026,484.

I have reviewed the disclosed subject matter and the issued claims of U.S. Patent No. 7,026,484. I worked on developing the linear tricyclic compounds of formulae V-VIII and on developing the 3,4-dihydro-2*H*-pyrano[2,3-*f*]quinolin-8(7*H*)-ones (compounds having a structure set forth as Compound 40 of the patent).

I did not work on nor contribute to the development of the angular indole or indoline compounds (the angular compounds where *n* is 0) in the issued claims.

Sincerely,

Date: 9/14/08

Robert I. Higuchi



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Lin Zhi *et al.*

Art Unit : 1625

Serial No. : 10/080,926

Examiner : Evelyn Huang

Confirmation No.: 7786

Customer No.: 77202

Filed : February 22, 2002

Issued as: U.S. Pat. No. 7,026,484

Title : **TRICYCLIC ANDROGEN RECEPTOR MODULATOR COMPOUNDS
AND METHODS**

STATEMENT BY LIN ZHI

Mail Stop PETITION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

I am a named inventor on U.S. Patent No. 7,026,484. I agree with the change in inventorship of U.S. Patent No. 7,026,484, which deletes Jyun-Hung CHEN and Robert I. HIGUCHI as joint inventors.

Sincerely,

Date:

9/12/08

Lin Zhi



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Lin Zhi *et al.*

Serial No. : 10/080,926

Confirmation No.: 7786

Filed : February 22, 2002

Issued as: U.S. Pat. No. 7,026,484

Title : **TRICYCLIC ANDROGEN RECEPTOR MODULATOR COMPOUNDS
AND METHODS**

Art Unit : 1625

Examiner : Evelyn Huang

Customer No.: 77202

STATEMENT BY CORNELIS ARJAN VAN OEVEREN

Mail Stop PETITION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

I am a named inventor on U.S. Patent No. 7,026,484. I agree with the change in inventorship of U.S. Patent No. 7,026,484, which deletes Jyun-Hung CHEN and Robert I. HIGUCHI as joint inventors.

Sincerely,

Date: 09/12/2008



Cornelis Arjan Van Oeveren



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Lin Zhi *et al.*

Art Unit : 1625

Serial No. : 10/080,926

Examiner : Evelyn Huang

Confirmation No.: 7786

Customer No.: 77202

Filed : February 22, 2002

Issued as: U.S. Pat. No. 7,026,484

Title : **TRICYCLIC ANDROGEN RECEPTOR MODULATOR COMPOUNDS
AND METHODS**

STATEMENT OF JYUN-HUNG CHEN

AGREEING TO THE CHANGE IN INVENTORSHIP OF U.S. PAT. NO. 7,026,484

Mail Stop PETITION

Commissioner for Patents

P.O. Box 1450

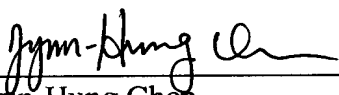
Alexandria, VA 22313-1450

Dear Sir:

I agree with the change in inventorship of U.S. Patent No. 7,026,484, in which I and Robert I. Higuchi are deleted as joint inventors.

Sincerely,

Date: September 19, 2008


Jyun-Hung Chen



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Lin Zhi *et al.*

Art Unit : 1625

Serial No. : 10/080,926

Examiner : Evelyn Huang

Confirmation No.: 7786

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Title : **TRICYCLIC ANDROGEN RECEPTOR MODULATOR COMPOUNDS
AND METHODS**

STATEMENT OF ROBERT I. HIGUCHI

AGREEING TO THE CHANGE IN INVENTORSHIP OF U.S. PAT. NO. 7,026,484

Mail Stop PETITION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

I agree with the change in inventorship of U.S. Patent No. 7,026,484, in which I and Jyun-Hung Chen are deleted as joint inventors.

Sincerely,

Date: 9/14/05

Robert I. Higuchi
Robert I. Higuchi



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Lin Zhi *et al.*

Serial No. : 10/080,926

Confirmation No.: 7786

Filed : February 22, 2002

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Title : **TRICYCLIC ANDROGEN RECEPTOR MODULATOR COMPOUNDS
AND METHODS**

Art Unit : 1625

Examiner : Evelyn Huang

Customer No.: 77202

CONSENT OF ASSIGNEE TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.324

Mail Stop PETITION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:


LIGAND PHARMACEUTICALS, a corporation organized under the laws of the State of Delaware, with its principal place of business at 10275 Science Center Drive, San Diego, California, 92121-1117, United States of America, is the Assignee of the entire right, title and interest in the above-captioned patent. A Certificate under 37 C.F.R. §3.73(b) accompanies this Consent.

LIGAND PHARMACEUTICALS hereby agrees and consents to correction of inventorship in the above-captioned patent, deleting Robert Higuchi and Jyun-Hung Chen as joint inventors.

The undersigned (whose title is supplied below) is empowered to act on behalf of the Assignee.

LIGAND PHARMACEUTICALS

Date: 9-18-08



Charles S. Berkman, Esq.
Vice President, General Counsel and Secretary



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Lin Zhi *et al.*

Serial No. : 10/080,926

Confirmation No.: 7786

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Title : **TRICYCLIC ANDROGEN RECEPTOR MODULATOR COMPOUNDS
AND METHODS**

Art Unit : 1625

Examiner : Evelyn Huang

Customer No.: 77202

CERTIFICATE UNDER 37 C.F.R. § 3.73(b)

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

LIGAND PHARMACEUTICALS, a corporation organized under the laws of the state of Delaware, U.S.A., is the Assignee of the entire right, title and interest in the above-captioned patent by virtue of an Assignment from named inventors, Lin ZHI, Cornelis Arjan VAN OEVEREN, Jyun-Hung CHEN and Robert I. Higuchi, of the subject matter of the above-captioned patent to LIGAND PHARMACEUTICALS. Copies of the executed Assignments are enclosed herewith.

The undersigned (whose title is supplied below) is empowered to act on behalf of the Assignee.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

LIGAND PHARMACEUTICALS

Date:

9-18-08

Charles S. Berkman, Esq.

Vice President, General Counsel and Secretary

ASSIGNMENT

For valuable consideration, we, LIN ZHI of San Diego, California and a citizen of The People's Republic of China; CORNELIS VAN OEVEREN of San Diego, California and a citizen of The Netherlands; JYUN-HUNG CHEN of San Diego, California and a citizen of Taiwan; and ROBERT I. HIGUCHI of Solana Beach, California and a citizen of the U.S.A.; (collectively hereinafter referred to as "Assignors") hereby assign to LIGAND PHARMACEUTICALS, INC., a corporation organized and existing under and by the virtue of the laws of the State of Delaware and having a place of business at 10275 Science Center Drive, San Diego, California 92121, USA, and its successors and assigns (hereinafter called "the Assignee"), the entire right, title and interest throughout the world in the invention and improvements which are the subject of an application for United States Patent filed February 22, 2002, U.S. Serial No. 10/080,926 entitled **TRICYCLIC ANDROGEN RECEPTOR MODULATOR COMPOUNDS AND METHODS**, and related applications and patents, this assignment including said application, any and all United States and foreign patents granted for any of said inventions or improvements, including all divisions, continuations, reissues, continuations-in-part and extensions thereof, and the right to claim priority based on the filing date of said application and based on the filing date of any provisional application of which said application claims the benefit under the International Convention for the Protection of Industrial Property, the Patent Cooperation Treaty, the European Patent Convention, and all other treaties of like purposes; and we authorize the Assignee to apply in all countries in our names or in its own name for patents and like rights of exclusion and for inventor's certificates for said inventions and improvements; and we agree for ourselves and our heirs, legal representatives and assigns, without further compensation, upon request to perform such lawful acts, to promptly provide Assignee with all pertinent facts and documents relating to said invention or application as may be known and accessible to us, to testify in any interference or litigation related to said invention or application and to sign such further applications, assignments, Preliminary Statements and other lawful documents as the Assignee may reasonably request to effectuate fully this Assignment.

The Assignors hereby covenant that no assignment, sale, agreement, or encumbrance has been or will be made or entered into which would conflict with this Agreement.

WITNESS my hand at San Diego, California, USA
this 17 day of April, 2002.

Lin Zhi
LIN ZHI

STATE OF California)
COUNTY OF San Diego) ss

On April 17, 2002 before me, MICHELE P. TRAVIS, personally appeared

LIN ZHI

☐ personally known to me - OR - ☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Michele P. Travis
Notary Public in and for said County and State



WITNESS my hand at SAN DIEGO, CALIFORNIA, U.S.A.

this 12 day of April, 2002.

CORNELIS VAN OEVEREN

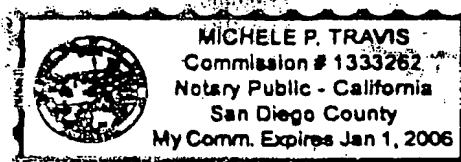
STATE OF California)
) ss
COUNTY OF San Diego)

On April 12, 2002 before me, Michelle P. Travis, personally appeared
CORNELIS VAN OEVEREN

☐ personally known to me - **OR** - ☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Michela P. Travis
Notary Public in and for said County and State



WITNESS my hand at San Diego, California, U.S.A,
this 15th day of April, 2002.

Jyun-Hung Chen
JYUN-HUNG CHEN

STATE OF California)
COUNTY OF San Diego) ss

On April 15, 2002 before me, MICHELE P. TRAVIS, personally appeared
JYUN-HUNG CHEN

☐ personally known to me - OR - ☒ proved to me on the basis of satisfactory evidence to
be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me
that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their
signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted,
executed the instrument.

WITNESS my hand and official seal.

Michele P. Travis
Notary Public in and for said County and State



WITNESS my hand at San Diego, CA, USA
this 12 day of April, 2002.

Robert I. Higuchi
ROBERT I. HIGUCHI

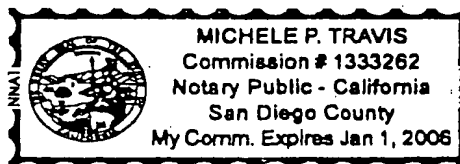
STATE OF California)
COUNTY OF San Diego) ss

On April 12, 2002 before me, MICHELE P. TRAVIS, personally appeared
ROBERT I. HIGUCHI

☐ personally known to me - OR - ☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Michele P. Travis
Notary Public in and for said County and State





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Lin Zhi *et al.*
Serial No. : 10/080,926
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Art Unit : 1625
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Customer No.: 77202

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**DECLARATION OF FRANK J. MISKIEL ACCOMPANYING A PETITION
UNDER 37 C.F.R. § 1.324 TO CORRECT INVENTORSHIP**

Dear Sir:

I am an Associate of Dr. Stephanie Seidman, who is an attorney of record for the above-captioned patent. The above-identified patent lists Lin ZHI, Cornelis Arjan VAN OEVEREN, Jyun-Hung CHEN and Robert I. HIGUCHI as joint inventors. I have investigated inventorship of the subject matter disclosed in the application and claimed in the issued patent. I have reviewed signed and dated laboratory notebooks describing laboratory work related to the subject matter disclosed in the patent application underlying the issued patent and the claims of the issued patent. From my investigation and review, I concluded that Dr. Zhi and Dr. Van Oeveren contributed to the conception of subject matter in the issued claims.

I provided an electronic copy of the published application (US Pat. Pub. No. 2002-0183346) to Dr. Chen and Dr. Higuchi via e-mail on August 18, 2008 and requested that each review the specification. Dr. Chen and Dr. Higuchi confirmed receipt of the e-mail and each scheduled a telephone conference with me to discuss his contributions to the subject matter of the underlying application and issued claims.

On August 20, 2008, I interviewed Jyun-Hung Chen to assess his contributions to the subject matter of the issued claims. As recited in the attached Statement, Dr. Chen stated that he worked on developing the tricyclic angular quinoline series of formulae I-IV (the angular compounds where n is 1). Dr. Chen stated that he did not work on or contribute to the development of the angular indole or indoline compounds (the angular compounds where n is 0) in the issued claims. Thus, I concluded that he did not contribute to the conception of any issued claim of U.S. Pat. No. 7,026,484.

On August 29, 2008, I interviewed Robert I. Higuchi to assess his contributions to the subject matter of the issued claims. As recited in his Statement, Dr. Higuchi stated that he worked on developing the linear tricyclic quinoline series of formulae V-VIII and on 3,4-dihydro-2*H*-pyrano[2,3-*f*]quinolin-8(7*H*)-ones (compounds having a structure set forth as Compound 40 of the patent). Dr. Higuchi stated that he did not work on or contribute to the angular indole or indoline compounds (the angular compounds of formulae I-IV where *n* is 0) in the issued claims. Thus, I concluded that he did not contribute to the conception of any issued claim of U.S. Pat. No. 7,026,484.

Dr. Chen and Dr. Higuchi each have executed a Statement in which each agrees to the change in inventorship proposed in this Petition.

A handwritten signature in black ink, reading "Frank J. Miskiel", is written over a horizontal line.

Frank J. Miskiel
Registration No. 53, 332

Date: September 23, 2008